

**AUCTIONEER BOARD MEETING
MINUTES
DECEMBER 8, 2003**

PRESENT: Richard Lust, Marie Skic, Jay Clarke, Mark Shain (via telephone), Carl Theorin (via telephone)

EXCUSED: Mark Shain dismissed at 10:30

STAFF PRESENT: Jerry Lowrie, Bureau Director, Business and Design, Pat Schenck, Program Assistant, Darwin Tichenor, Lydia Bridge, Exam Center and , Division of Enforcement Staff.

GUESTS: None

CALL TO ORDER

Richard Lust called the meeting to order at 9:20 a.m. A quorum of 5 members was present. 4 members were present at 10:30.

AGENDA

MOTION: Mari Skic moved, seconded by Jay Clarke, to adopt the agenda, as published. Motion carried unanimously.

APPROVAL OF MINUTES AUGUST 25, 2003

MOTION: Jay Clarke moved, seconded by Mari Skic, to approve the minutes of August 25, 2003 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT
JERRY LOWRIE, BUREAU DIRECTOR**

BOARD ROSTER

Delete one of Jay Clarke's E-mail address's from the Roster jclarke@mail.itol.com. Mark Shain's home phone number and Fax number is (715) 267-6496. Mrs. Shain will fax Pat Schenck an E-Mail address at her place of work for Mark Shain.

2004 MEETING DATES

Next meeting January 27, 2004.

Richard Lust requested that the screenings continue to be held by telephone.

Mr. Lust was concerned when the Division of Enforcement didn't have any cases for the Board to screen at today's meeting. The last time the Board screened cases was in October, 2003.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Noted.

DEPARTMENT TRAVEL POLICY

Jerry Lowrie reported that the Department will fund travel expenses for one Board member per fiscal year. If a National organization picks up the expenses for one Board members attendance, the Department will fund a second Board member or staff person to attend the same meeting.

The National Convention is being held at the Monona Terrace Convention Center on July 12-17, 2004. Wisconsin Auctioneer Association will be funding this convention.

The Board requested that the Department provide test-out exam information for handouts at this convention.

LEGISLATION ADMINISTRATIVE RULES

The Board had requested statutory and Administrative Code changes on August 26, 2002 eliminating temporary licenses from Statute 480.08(7), and Administrative Code RL 121.025 and requested that Registered Wisconsin Auctioneer be abbreviated RWA in advertisements in Stats.480.20, and Administrative Code RL 123. This language may have been incorporated with requests from other Boards within the Department. Mr. Lowrie will check on the status of this request.

MOTION: Marie Skic moved, seconded by Jay Clarke, to request that the Department reintroduce legislation to eliminate the temporary auctioneer license (480.08(7), RL 121.025) and that Registered

Wisconsin Auctioneer (RWA) be abbreviated in advertisements (480.20, RL 123). Motion carried unanimously.

The Board will discuss which continuing education courses will be required for the next two year period at the January 27, 2004 meeting. New Rules may need to be drafted to direct what the next set of continuing education courses will be.

CREDENTIALING

TEMPORARY LICENSE – MARKING “TEMPORARY” ON LICENSE

The Board discussed ways of identifying temporary Auctioneer Licenses in ads that advertise an auction and when screening cases for the Division of Enforcement.

The Board has requested that the Department add an identifier on the license numbers to signify that the license is a temporary license. Using another number, adding a prefix before or after the number so the public is aware that the auctioneer listed in an advertisement has a temporary license. Currently, the temporary license number is the same as the auctioneer's permanent license number.

The Board has requested that the Division of Enforcement staff include the Auctioneer's license number and indicate if the license is a temporary license with the expiration date prior to the Board screening cases.

EDUCATION AND EXAMINATIONS

CONTINUING EDUCATION COURSES

Barb Showers reported on the proposed continuing education courses. Jay Clark and the Department are in the process of reviewing two providers for continuing education courses. One provider has a. b. c. d. e. areas and the other provider has multiple courses. Mr. Clark reviewed the subject matter of courses, content and hours. All licensees must take Wisconsin Laws Relating to (a) Auctioneer Ethical and Professional Conduct, (b) Maintenance of Records and Trust Accounts, and (c) Federal Laws Relating to Auctioneering and other Wisconsin Laws. Item (d) Real Estate, Commercial, Agricultural and other Auctions – Practice and Legal Requirements may be an elective.

The Board requested that Dr. Showers and her staff make an effort to schedule a CE Testout Exam Session on Thursday, July 15, 2004 when the National Convention is being held in Madison at the Monona Terrace Convention Center on July 12, 17, 2004.

Dr. Showers reported that approved continuing education courses will be posted on the Department's web-site and published in the next Regulatory Digest newsletter.

**CE TESTOUT EXAM AND COURSE OFFERINGS UPDATE,
DARWIN TICHENOR**

Darwin Tichenor reported that the CE Testout Examination will be available beginning January 8, 2004. The exam will be given on the second Thursday of each month. The cost to take the CE Testout Exam is \$57.00. Candidates must register with the Department 30 days in advance of the Exam date. Candidates may call Elaine Backey at (608) 261-4478 to schedule an appointment to take the CE Testout Examination. The passing score is 70%. Candidates are only allowed to take the exam twice. If a candidate fails the exam twice, they'll be required to complete courses.

The Board requested that Dr. Showers and her staff make an effort to schedule a CE Testout Exam Session on Thursday, July 15, 2004 when the National Convention is being held in Madison at the Monona Terrace Convention Center on July 12, 17, 2004.

The CE Testout Exam procedure will be included in the next Regulatory Digest Newsletter and also on the Department's web-site.

**DISCUSSION OF CONTINUING EDUCATION REQUIREMENTS IN OTHER
LICENSING STATES, RICHARD LUST**

The Board will discuss which continuing education courses will be required for the next two year renewal period 2005-06 at the January 27, 2004 meeting. New Rules may need to be drafted to direct what the next set of continuing education courses will be.

Wisconsin currently requires twelve hours with testing. Other states require fewer hours without testing. Requiring two CORE required courses and two elective courses will be discussed.

MISCELLANEOUS INFORMATION/CORRESPONDENCE NALLOA

Richard Lust will be representing the Board at the NAA Mid-Winter conference and NALLOA Meeting aboard the Carnival Cruise Lines to the Bahamas, January 11-15-2004. Mr. Lust will report on this meeting at the January 27, 2004 meeting.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT
OR ANY THAT MAY BE SUBMITTED AFTER MAILING OF AGENDA**

None.

NEW BUSINESS

Secretary Donsia Strong Hill shared her Birthday cake with the Board members and other Administrative Staff during a break.

VISITORS COMMENTS

None.

CLOSED SESSION

MOTION: Jay Clarke moved, seconded by Carl Theorin, to convene the meeting in Closed Session at 10:59 a.m with a roll call vote. Motion carried unanimously.

MOTION: Jay Clarke moved, seconded by Carl Theorin, to amend previous motion and to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, the Board intends to deliberate on stipulations, administrative warnings; case closings and monitoring cases. Motion carried by a roll call vote: Richard Lust - yes; Marie Skic - yes; Jay Clarke - yes; and Carl Theorin - yes. Motion carried unanimously.

Open Session recessed at 10:59 a.m.

The Board deliberated on the Monitoring Report, the Case Status Report and Case Closings, Proposed Stipulations, and Proposed Administrative Warnings.

RECONVENE TO OPEN SESSION

MOTION: Carl Theorin moved, seconded by Jay Clarke, to reconvene into Open Session at 11:45 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

**MONITORING ISSUES
FIRST GUARANTEE CREDIT CORPORATION**

MOTION: Marie Skic moved, seconded by Jay Clarke, that Carl Theorin be the Board's Liaison to act with Sandy Myers on continued matters of this case or future cases that require monitoring. Motion carried unanimously.

MOTION: Jay Clarke moved, seconded by Carl Theorin, to direct the Department to advise First Guarantee Credit Corporation that although the ads were received as ordered they are not in compliance as stipulated in RL 123.03(1) which says the name or trade name of an auctioneer responsible for the auction conducted pursuant to the contract required under s. 480.14(1), Stats., and the name or trade name of any auction company that is managing the auction must be included in the contents of all advertisements. Motion carried unanimously.

CASE CLOSINGS

01 AUC 022

MOTION: Carl Theorin moved, seconded by Jay Clarke, to close case **01 AUC 022** for insufficient evidence. Motion carried unanimously.

01 AUC 013

MOTION: Maria Skic moved, seconded by Carl Theorin, to close case **01 AUC 013** for insufficient evidence. Motion carried unanimously.

01 AUC 029

MOTION: Carl Theorin moved seconded by Jay Clarke, to close case **01 AUC 029** for prosecutorial discretion (P5). Motion carried unanimously.

ADMINISTRATIVE WARNING

03 AUC 017 Kenneth L. Schultz

MOTION: Jay Clarke moved, seconded by Carl Theorin, to accept the Administrative Warning as written for case **03 AUC 017 Kenneth L. Schultz**. Motion carried unanimously.

STIPULATIONS
ROBERT J. HAGEMANN D/B/A BOB HAGEMANN AUCTION SERVICE
01 AUC 029

MOTION: Carl Theorin moved, seconded by Jay Clarke, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Robert J. Hagemann d/b/a Bob Hagemann Auction Service. Motion carried unanimously.

MYRON C. BOWLING AND MYRON BOWLING AUCTIONEERS, INC.
02 AUC 039

MOTION: Carl Theorin moved, seconded by Jay Clarke, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Myron C. Bowling and Myron Bowling Auctioneers, Inc. Motion carried unanimously.

ADJOURNMENT

MOTION: Carl Theorin moved, seconded by Marie Skic, to adjourn the meeting at 11:55 a.m. Motion carried unanimously.

NEXT MEETING: January 27, 2004

Agenda Items for January 27, 2004

- Introduction of new Board Member Patrick McNamara, of Lancaster, WI
- Election of Officers for 2004.
- Reappointment of the Board's representative's to the Screening Panel, to be elected by new Chair after elections.
- Approved Continuing Education Course providers – Update – Barb Showers
- 2005-2006 Continuing Education Course Requirements w/possible rule changes.
- Kelly Cochrane – Explanation of DOE's new policy "NO ACTION" against unlicensed auctioneers conducting auctions in Wisconsin.
- Report on the NAA Mid-Winter conference and NALLOA Meeting aboard the Carnival Cruise Lines to the Bahamas, January 11-15-2004 – Richard Lust
- Request for elimination of Temporary License Statute and Rule Change – Update - Jerry Lowrie
- Request for statutory change to abbreviate Wisconsin Registered Auctioneer – Update – Jerry Lowrie